

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

Form 32. Response to Notice of Case Being Considered for Oral Argument

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form32instructions.pdf>

9th Cir. Case Number(s)

Case Name

Hearing Location (city)

Your Name

List the sitting dates for the three sitting months you were asked to review:

September 11-15
October 2-6, 16-20
November 13-17

Do you have an unresolvable conflict on any of the above dates? ☐ Yes ☒ No

If yes, list the specific day(s) and the specific reason(s) you are unavailable:

Do you have any other cases pending in this court for which you received a notice of consideration for oral argument during the three sitting months listed above?

☒ Yes ☐ No

If yes, list the number, name, and hearing city of each of the other case(s):

- No. 22-55342, Federal Trade Commission v. Apex Capital Group, LLC, et al., San Francisco

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2023, the foregoing was filed with the Clerk of the United States Court of Appeals for the Ninth Circuit using the appellate CM/ECF system, which will also serve counsel of record.

Dated: June 2, 2023

/s/ *Brian D. Schmalzbach*

Brian D. Schmalzbach